

## **REMARKS**

The last Office Action of August 30, 2007 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-11 are pending in the application. Claims 1, 11 have been amended. Claims 12-15 have been added. Support for the added claims can be found in paragraphs [0025] and [0026] of the original specification. Amendments to the specification have been made. No fee is due.

prior to the filing date of the U.S. national (35 U.S.C. 111(a)) application.

It is noted that the disclosure is objected to because of some informalities.

It is further noted that claims 11 stands provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending U.S. Appl No. 10/822,224.

Claims 1-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No.6,785,730 to Taylor in view of published U.S. Pat. Appl. No. 2001/0025322 to Song et al.

## **OBJECTION TO THE DISCLOSURE**

Applicant has amended the title, as suggested by the examiner, and has amended paragraph [0017] of the specification to include a reference to co-pending application no. 10/822,224.

Withdrawal of the objection to the disclosure is thus respectfully requested.

## **REJECTION OF CLAIM 11 UNDER THE JUDICIALLY CREATED DOCTRINE OF OBVIOUSNESS-TYPE DOUBLE PATENTING**

Applicant defers submission of a terminal disclaimer until patentable subject matter is indicated.

## **REJECTION OF CLAIMS 1-11 UNDER 35 U.S.C. §103(a)**

Independent claims 1 and 11 have been amended to recite “transmitting quality data in the first transmission protocol, and deciding based on the quality data how data are to be transmitted between the data conversion unit and the remote unit by using the second communication protocol.” Claims 12 and 14 recite more specifically that the quality data indicate information about significance of the data, or information about urgency of the data to be transmitted, or a combination thereof. Claims 13 and 15 further recite that the quality data determine if the data are to be transmitted between the data conversion unit and the remote unit in markup data transmission and in binary data transmission.

Taylor (col. 5, lines 1–62) was cited in a corresponding non-final office action in the co-pending application S/N 10/822,224 as teaching the use of “quality data.” However, applicant was unable to find any reference to use such qualification for the mode in which data are transmitted. Moreover, although Taylor describes conversion and categorization functions of message converter 110 (see FIG. 3), applicant was unable to find a teaching or suggestion in Taylor that the quality data indicate information about significance of the data and/or information about urgency of the data to be transmitted.

Song was applied as teaching a web server. However, Song fails to teach or suggest the use of quality data for determining the way data are transmitted between the two units operating with different protocols.

Applicant therefore submits that Taylor and Song, taken either alone or in combination, fail to teach or reasonably suggest at least “transmitting quality data in the first transmission protocol, and deciding based on the quality data how data are to be transmitted between the data conversion unit and the remote unit by using the second communication protocol.” Claims 1 and 11 are therefore patentable over the art of record.

Claims 2-10, 14 and 15, which depend from claim 1, and claims 12 and 13, which depend from claim 11, are then also patentable for at least the reasons that

claims 1 and 11 are patentable.

Withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of claims 1-15 are thus respectfully requested.

#### **CITED REFERENCES**

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the claims on file. It is thus felt that no specific discussion thereof is necessary.

#### **CONCLUSION**

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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